

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FERRARI FINANCIAL SERVICES,  
INC.,

Plaintiff,

v.

BRENT BIGGS,

Defendant.

C19-5873 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court in response to Plaintiff's Motion for Summary Judgment, Dkt. 45, the Honorable Thomas S. Zilly, United States District Judge:

- (1) The Court DENIES Plaintiff's motion for summary judgment, Dkt. 45, because genuine disputes of material fact exist as to all claims.
- (2) Although little factual dispute remains as to Defendant's default under the Lease Agreement, *see Thornhill Pub. Co. v. Gen. Tel. & Elecs. Corp.*, 594 F.2d 730, 738 (9th Cir. 1979). Plaintiff's apparent failure to comply with the strict requirements in Cal. Civ. Code § 2987(d)(2)(B) may preclude Plaintiff's recovery of damages. *See Flannery v. VW Credit, Inc.*, 232 Cal. App. 4th 606, 615 (2014).
- (3) The Court finds this case is appropriate for mediation under Local Civil Rule 39.1(c). It is ORDERED that the parties exchange written demands for settlement and that counsel meet and discuss settlement pursuant to Local Civil Rule 39.1(c)(2) no later than **December 26, 2022**. The parties are advised that the Court's home page at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov) contains a roster of approved mediators and their profiles. This information

1 is also available for viewing in Seattle and Tacoma at the intake counter of  
2 the Clerk's Office. Counsel are directed to file with the Court the name of  
3 the mediator as soon as one is selected. The mediation will be conducted at  
4 such time or times as set by the mediator. Mediation shall be completed no  
later than **January 26, 2023**, and a letter of compliance shall be filed with  
the Court no later than **February 3, 2023**. The parties are strongly  
encouraged to mediate prior to completion of discovery.

5 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
6 record.

Dated this 26<sup>th</sup> day of September, 2022.

7  
8 Ravi Subramanian  
Clerk

9 s/Gail Glass  
10 Deputy Clerk